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February 6, 2003

VIA ELECTRONIC FILING

Mr. William Maher
Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: *Ex Parte*
CC Docket Nos. 01-338, 96-98, 98-147**

Dear Mr. Maher:

On behalf of KMC Telecom Holdings, Inc. ("KMC"), and Xspedius Management Co. LLC ("Xspedius"), I am writing in regard to the availability of loop/transport configurations commonly referred to as Enhanced Extended Links ("EELs"). Over the past few days, the Commission has received a variety of proposals to establish eligibility criteria for EELs. While many of these proposals share our view that the existing safe harbor restrictions are unworkable, aspects of some proposals could re-introduce the ILEC-gatekeeping shenanigans that have plagued the existing restrictions. In addition, some of the proposals include traffic measurement requirements which are extremely burdensome and act to restrict innovation in the deployment of integrated voice and data offerings.

KMC and Xspedius strongly support the proposals presented to the Commission in *ex parte* letters submitted by a number of CLECs (including KMC and Xspedius) on

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January 10, 2003¹ and as modified in the letter to Christopher Libertelli dated January 15, 2003.² KMC and Xspedius believe these proposals provide a reasonable alternative that promotes the use of EELs to provide LEC services in competition with the incumbent local exchange carriers.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

/s/

Brad E. Mutschelknaus

cc: Christopher Libertelli (via email)
Dan Gonzalez (via email)
Jordan Goldstein (via email)
Matt Brill (via email)
Lisa Zaina (via email)
Jeff Carlisle (via email)
Michelle Carey (via email)
Brent Olson (via email)
Tom Navin (via email)
Jeremy Miller (via email)
Julie Veach (via email)
Marlene H. Dortch (via ECFS)

¹ See NuVox, SNiP LiNK, Xspedius and KMC ex parte, January 10, 2003.

² Letter from John J. Heitmann, Kelley Drye & Warren LLP, to Christopher Libertelli, January 15, 2003.